REMARKS

Claims 1–21 are currently pending in this application. In response to the Final Action, Applicants respectfully request entry of the claim amendments presented herein and further consideration of the present application in view of these amendments and the remarks provided below.

Support for Claim Amendments

The amendments presented herein have been made to recite particular aspects of the invention so as to expedite the prosecution of the present application to allowance in accordance with the USPTO Patent Business Goals (65 Fed. Reg. 54603, September 8, 2000). These amendments do not represent an acquiescence or agreement with any of the outstanding rejections.

Claim 1 is amended herein to more particularly point out what Applicants regard as the invention. The embodiments of Claims 2, 7 and 9 have been incorporated into Claim 1, and these claims are canceled herein without prejudice. Claim 3 is amended for clarity and to provide proper antecedent basis, Claim 8 is amended herein to depend on Claim 1, and Claims 8, 18 and 21 are amended herein for clarity. Support for these amendments can be found in the specification as originally filed. The points raised by the Examiner are addressed hereinbelow in the order in which they are raised in the Action.

Objection and § 112 Rejection

In the Final Action, Examiner objects to and rejects Claims 2 and 3 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 2 and 3 are dependent of Claim 1, which recites an extrudable collagen gel having a fat content. The Examiner; however; presents that Claims 2 and 3 do not recite a lower limit for the fat content, and therefore the fat content can include 0%.

Claim 2 is canceled herein, rendering the rejection of this claim on this basis moot. However, as amended herein, Claim 1 now recites that the fat content is reduced from that which is naturally present to a lower fat content, which implicitly means there is some fat remaining in the film.

As such, Applicants present that Claim 3 satisfies the requirements of 35 U.S.C. § 112, second paragraph, to which Applicants respectfully request that the instant rejection be withdrawn. However, should the Examiner have any further objections, Applicants respectfully solicit the Examiner suggestions as to bring this matter to a resolution.

§ 102 Rejections

Claims 1–9, 13, 15 and 17–21 remain rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,482,240 to Eckmayer et al. ("Eckmayer et al."). It is the assertion of the Examiner that the disclosures of Eckmayer et al. teach all the elements of that which is claimed.

As amended herein, Claim 1 clarifies the collagen content of the film of the present invention. Claim 1 as amended recites that the collagen content of the film consists essentially of sow collagen, wherein non-porcine collagen is present in an amount less than 10%, and wherein any non-sow porcine collagen is derived from young pigs, and when present, the ratio of porcine collagen derived from young pigs to porcine collagen derived from sows is in the range of 0:100 to 10:90 by weight.

The Examiner presents in the Final Action that "[t]he use of open language 'consists essentially of' to describe compositions allows room for unspecified components as long as they do not materially affect the basic and novel characteristics of the claimed invention." (page 4 of the Final Action) The Examiner concludes in the Final Action that the disclosures of Eckmayer et al. "describe the use of porcine skin, which would inherently include skin from sows. Therefore the collagen membranes do consist essentially of sow collagen." (page 4 of the Final Action) Applicants respectfully disagree, particularly in view of the present amendment to Claim 1. Applicants reiterate that there is no reference in the disclosures of Eckmayer et al. to a film of or

consisting essentially of sow collagen, particularly in the ratios as presently defined in Claim 1. Namely, at least 90% of the collagen of the film is derived from porcine collagen, of which at least 90% of the porcine collagen must be present as sow collagen. Furthermore, the disclosures of Eckmayer et al. are silent in regard to the benefits of using sow collagen in the preparation of a film as presently claimed.

In view of the foregoing, Applicants present that the disclosures of Eckmayer et al. do not anticipate the instant claims, to which Applicants respectfully request that the instant rejection be withdrawn.

Claims 1–21 remain rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Publication No. 2005/00317741 ("Morgan et al."). The Examiner asserts that the specification to the present application and the disclosures of Morgan et al. appear to use the terms "film" and "casing" interchangeably and that there is no limitation in the instant claims that restrict the claimed invention to non-tubular film.

Applicants respectfully reiterate that the terms "film" and "casing" do not overlap and have distinct meanings to one of skill in the art in the industry. Nonetheless, Applicants amend Claim 1 to recite, "wherein the film is in a form other than that of an extruded tubular casing," in order to more particularly point out that the presently claimed invention does not encompass the disclosures of Morgan et al., which are intended to be filled with meat paste to form sausages.

Furthermore, Applicants respectfully point out that the present specification and the disclosures of Morgan et al. do not use the terms "film" and "casing" interchangeably. The remarks noted by the Examiner are references to the prior art, which are meant to describe films or casings, and processes of production of either films or casings separately, not interchangeably as interpreted by the Examiner.

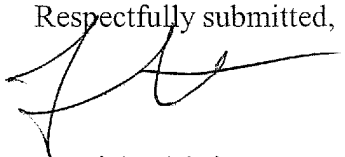
In view of the foregoing, Applicants present that the disclosures of Morgan et al. do not anticipate the instant claims, to which Applicants respectfully request that the instant rejection be withdrawn.

CONCLUSION

Applicants believe that the points and concerns raised by the Examiner in the Action have been addressed in full, it is respectfully submitted that this application is in condition for allowance, which action is earnestly solicited. Should the Examiner have any remaining concerns, it is respectfully requested that the Examiner contact the undersigned Attorney at (919) 854-1400 to expedite the prosecution of this application to allowance.

A Petition for a three-month extension of time, Fee for Extension of Time and Request for Continued Examination (RCE) are included with this response. Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-0220 in the amount of $1,860.00 ($1,050.00 as fee for the extension and $810.00 for the RCE). Applicants believe this amount to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any refund to Deposit Account No. 50-0220.

Respectfully submitted,



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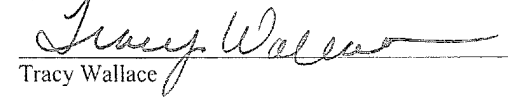

Tracy Wallace